

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JAMES BRANCH,

Plaintiff,

-against-

9:06-CV-00934  
(LEK/DRH)

GARY GREEN, *et al*,

Defendants.

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**ORDER**

By Order dated February 19, 2008, the Court adopted in its entirety the recommendation of the Honorable David R. Homer, United Stated Magistrate Judge, that Defendants' Motions to dismiss be granted unless Plaintiff filed a second amended complaint within thirty days. Order (Dkt. No. 55); Report-Recommendation (Dkt. No. 54); Motions to dismiss (Dkt. Nos. 28, 34).

Plaintiff has failed to file an amended complaint in the aforementioned time period. Accordingly, because the First Amended Complaint fails to allege sufficiently the personal involvement of any defendant, it will be dismissed.

Accordingly, it is hereby

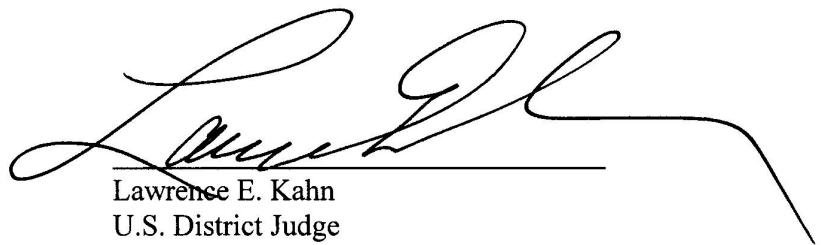
**ORDERED**, that Defendants' Motions to dismiss (Dkt. No. 28, 34) are **GRANTED**; and it is further

**ORDERED**, that Plaintiff's First Amended Complaint (Dkt. No. 14) is **DISMISSED**; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: March 21, 2008  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge